

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference NO 7339/WO	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 03/14400	International filing date (day/month/year) 17/12/2003	(Earliest) Priority Date (day/month/year) 17/12/2002
Applicant NESTEC S.A.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

NUTRITIONAL FORMULA COMPRISING L(+) LACTIC ACID

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/E 14400

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A23L1/30 A23L1/29

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
 IPC 7 A23L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS, WPI Data, PAJ, FSTA, MEDLINE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 96/31130 A (ABBOTT LAB) 10 October 1996 (1996-10-10) claims; tables 18-21,25	1-11
A	US 4 303 692 A (GAULL GERALD E) 1 December 1981 (1981-12-01) column 8, line 40 - column 9, line 13	1-11
A	DATABASE BIOSIS 'Online! BIOSCIENCES INFORMATION SERVICE, PHILADELPHIA, PA, US; 1989, BRUNSER O ET AL: "EFFECT OF AN ACIDIFIED MILK ON DIARRHEA AND THE CARRIER STATE IN INFANTS OF LOW SOCIO-ECONOMIC STRATUM" XP002230476 Database accession no. PREV198988041353 abstract -/--	1-11

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

31 January 2005

Date of mailing of the international search report

17/02/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Vernier, F

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/14400

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
	& ACTA PAEDIATRICA SCANDINAVICA, vol. 78, no. 2, 1989, pages 259-264, ISSN: 0001-656X -----	
L	ANONYMOUS: "17th International Congress of Nutrition" INTERNET ARTICLE, 'Online! XP002230474 Retrieved from the Internet: URL:http://www.univie.ac.at/iuns2001/sw_3. htm> 'retrieved on 2003-02-10! paragraphs 'W.03.106!', 'W.03.109! -----	1-11
L	ANONYMOUS: "Lactobacillus" INTERNET ARTICLE, 'Online! XP002230475 Retrieved from the Internet: URL:http://www.flora-balance.com/lactic_ac id_producing_bacteria.htm> 'retrieved on 2003-02-10! the whole document -----	1-11

INTERNATIONAL SEARCH REPORT

International application No.
EP 03/14400

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: —
because they relate to subject matter not required to be searched by this Authority, namely:

Although claim 11 is directed to a method of treatment of the human/animal body (Article 52(4) EPC), the search has been carried out and based on the alleged effects of the composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/JP03/14400

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9631130	A	10-10-1996	US 5597595 A	28-01-1997
			US 5698222 A	16-12-1997
			US 5609897 A	11-03-1997
			AU 715227 B2	20-01-2000
			AU 5441596 A	23-10-1996
			CA 2217264 A1	10-10-1996
			EP 0818957 A2	21-01-1998
			JP 11503023 T	23-03-1999
			NO 974540 A	08-12-1997
			NZ 306211 A	26-08-1998
			WO 9631130 A2	10-10-1996
			US 5817351 A	06-10-1998
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US 4303692	A	01-12-1981	NONE	
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